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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,335	09/23/2003	Mike Hanagan	1330.1024D	9288
21171	7590	10/03/2005	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			GORT, ELAINE L	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/667,335

Applicant(s)

HANAGAN ET AL.

Examiner

Elaine Gort

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) 3 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4 and 5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/23/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claim 5 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Current office policy regarding method claims disclosed as requiring a computer but not claiming the use of a computer is to consider the claimed subject matter as non-statutory for failing to fall within the technological arts. Claims must be tied to a technological art. Inserting the term "computer" after the word "different" in line 2 would overcome this rejection.

Claim Objections

3. Claims 4 and 5 are objected to because of the following informalities:

It appears that in claim 4 line 8, the term "the converged products" was meant to mean "the convergent products."

In claim 5, in both lines 5 and 6, it appears the term "the collected billable events" was meant to mean "the assembled billable events."

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1, 2 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Friedes (US Patent 5,771,282).**

Friedes discloses the claimed computer implemented method, comprising:

Collecting events from a plurality of service systems (such as collecting events from both a wireless station, wired stations, and other unrelated services such as DIRECT-TV as shown in figure 1 and column 4 lines 61+) using a computer (such as the computer system shown in figure 1 including the IXC Network);

Rating and pricing the events (figure 1 discloses rating as reference 62, See also column 3 lines 56+ discussing rating and establishing the charge or applicable rate);

Producing a consolidated bill for a customer subscribing to a plurality of services (IXC billing system 64 shown in figure 1 and discussed in column 3 line 61+ discusses the generation of a bill for the consolidated charges);

(Regarding claim 2) providing an integrated view of customer data, billing data, product data and services with respect to the customer (Examiner construes that all this information is inherently provided on the generated bill. For example the bill would

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provide customer data, such as the customer's name and/or account number; billing data, such as the amount due; and finally product data and services would be provided on the bill so the customer would know what they are being charged.

(Regarding claim 5) assembling billable events across each of the plurality of service providing systems into a single database (such as collecting events from both a wireless station, wired stations, and other unrelated services such as DIRECT-TV as shown in figure 1 and column 4 lines 61+ by the accumulator 58), the billable events having multiple pricing structures (the rating system 62 rates the events based on applicable rates and discounts, column 3 lines 56+); and

converging the collected billable events into a single bill by applying a single common processing to each of the collected billable events (the collected billable events are formatted into a standard format, column 3 lines 49+, then converged together by applying a single common processing to each of the billable events by the rating system 62, column 3 lines 56+).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over**

Friedes (US Patent 5,771,282) in view of Examiner's Official Notice.

Friedes discloses the claimed computer implemented method, comprising:

Providing a collection of convergent products providing distinct and independent services, each having different event collection and service systems (such as providing and collecting events from a wireless telephone system, a wired telephone system, and from other systems of other unrelated services such as a DIRECT-TV system as shown in figure 1 and column 4 lines 61+);

Collecting events from a plurality of said service systems providing a collection of heterogeneous usage events using a computer (such as collecting events from both a wireless station, wired stations, and other unrelated services such as DIRECT-TV as shown in figure 1 and column 4 lines 61+);

Converting the events into a common formatted usage event (the billing information is accumulated and formatted by a formatter 60 into an industry standard message format, see figure 1 and column 3 lines 49+);

Rating, pricing, discounting, summarizing and billing said usage events based on the event collection system (figure 1 discloses rating as reference 62, See also column 3 lines 56+ discussing rating, establishing the charge or applicable rate, and discounting. IXC billing system 64 shown in figure 1 and discussed in column 3 line 61+ discusses the generation of a bill for the consolidated charges); and

Producing a consolidated bill for a customer subscribing to the convergent products (IXC billing system 64 shown in figure 1 and discussed in column 3 line 61+ discusses the generation of a bill for the consolidated charges);

But is silent regarding the inclusion of cross discounting across the convergent products.

Examiner takes Official Notice that it is notoriously old and well known in the art of marketing to provide cross discounting between convergent products or services to promote both products or services at the same time. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the method of Friedes with the cross-discounting of Examiner's Official Notice, in order to promote the services provided simultaneously.

Response to Arguments

8. Applicant's arguments with respect to claims 1, 2, 4 and 5 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elaine Gort whose telephone number is 571/272-6781. The examiner can normally be reached on Tuesday and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571/272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be 'Elaine Gort', written in a cursive style.

Elaine Gort
Examiner
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September 29, 2005